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OE/HTRW Program Legal Overview

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Legal



- The HTRW CX & the MMRP CX will be combined under HNC 11 Nov 07.
- Legal review for all environmental issues that require CX involvement will now be coordinated through HNC.
- Beginning 1 Oct, I will have TDY attorneys at Omaha providing support, while I recruit for 2 permanent attorneys.



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Legal



- Current Issues:
 - ARAR's
 - Still having to be very careful and work through these on each site.
 - Very confusing area for all of us.
 - RI/FS
 - Still much confusion over what has to be done where there is already an EE/CA
 - Working through to be able to get to closure



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Legal



- Don't be afraid to ask questions
 - If you have questions, others probably have the same ones.
 - If you don't ask, we don't know that there is any confusion about what we are asking.
 - A question doesn't always mean that you are giving up some valuable information that others haven't thought of.



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Performance Based



- What does Performance Based mean?
 - It means that you tell us how you will accomplish the work.
 - It means that we will evaluate your approach and determine if we believe it will work.
 - If you are awarded the task order, it means that your approach and the cost were determined to be the best value to the government for this particular work.



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Performance Based



- Performance based, continued...
 - Means that we want your work plan to be consistent with your technical proposal.
 - Means that we are looking for the end product, not how you got there.
 - Does not mean that we will accept work that does not meet the quality standard that you said you would provide. We still have a regulatory community who has to accept what we have done.



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Performance Based



- Performance Based, continued...
 - Why fixed price? If we have enough data to ask for a fixed price bid, we are mandated by DOD & Army to do so.
 - If you, the contracting pool, do not believe the information is good enough to fix price, then you have to tell us. So far, we are receiving competitive bids when we have sought a fixed price proposal. We don't know what you don't tell us.



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Performance Based



- Performance Based – continued....
 - One last thought here – We need to make sure we are communicating properly. The field needs to understand how the work was proposed. The folks in the field need to know when to raise an issue, and that it needs to be raised to the Contracting Officer. We have to work on our communication once the work is underway. This area needs considerable improvement!



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Risk



- What is Acceptable Risk at a Munitions Site?
 - I don't think we will ever have one answer for this. Acceptable risk is going to be based on what the public and the stakeholders believe. We have to make sure they are included early on, and that we are responsive to their questions. This means we have to be sure that we, as a team, are communicating properly!



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Congratulations



- Margaret's final observation: We have been performing this extraordinary work since 1990. We have removed a lot of munitions and munitions debris from land where people work and play, and we have done this safely. We will continue to be criticized. We will continue to work. So, please give us your constructive comments so we can continue to improve!